

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

James R. <i>Bartholomew</i> , individually and on behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08 CV 4910 (AKH)
	)	
Morgan Stanley and Morgan Stanley & Co. Incorporated,	)	
	)	
Defendants.)	)	

**NOTICE OF WITHDRAWAL WITHOUT PREJUDICE OF JAMES R.  
BARTHOLOMEW'S MOTION FOR APPOINTMENT OF FINKELSTEIN  
THOMPSON LLP AS INTERIM CLASS COUNSEL FOR INVESTMENT  
ADVISOR ACT AND COMMON LAW CLAIMS**

PLEASE TAKE NOTICE that James R. Bartholomew hereby withdraws without prejudice his July 21, 2008 Motion for Appointment of Finkelstein Thompson LLP as Interim Class Counsel for Investment Advisor Act and Common Law Claims in light of this Court's July 9, 2008 order in *Miller v. Morgan Stanley & Co.*, 08-cv-3012. Bartholomew will refile such motion at such time as the MDL panel rules.

DATED: New York, New York  
July 22, 2008

Respectfully submitted,

**SCHOENGOLD SPORN  
LAITMAN & LOMETTI, P.C.**

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**CERTIFICATE OF SERVICE**

I, Michael G. McLellan, one of the counsel for Plaintiff in the above-referenced action, do hereby certify that on July 22, 2008, a true and correct copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the notice of electronic filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Michael G. McLellan

Michael G. McLellan